

Application No.: 10/025,274

Docket No.: CLFR:184USD1

REMARKS

Applicants file this paper in response to notice of non-compliant amendment mailed February 4, 2006. The 30 day response period ends March 4, 2006, which is a Saturday. The response is due on or before March 6, 2006.

I. Status Identifiers

Claims 1-24 were filed originally. Claims 1-4 and 17-24 were canceled in a previous response. Claims 11-16 are canceled herein. Claims 25-42 are new claims. Support for the new claims may be found at least on pages 8-14. Thus, claims 5-10 and 24-42 are currently pending.

II. Non-compliant Amendment

The notice cites (A) lack of proper status identifier for each claim and (B) new claims 25-42 are allegedly not directed to the originally claimed invention.

A. Status Identifiers

Applicants have corrected the listing of claims and provide the corrected listing of claims with this response.

B. New claims 25-42

Applicants' representative spoke with Examiner Marvich regarding the commentary related to the new claims and the possibility that these new claims may be withdrawn as directed to non-elected subject matter. New claims 25-42 further clarify the invention pursued by the Applicants. Applicants elected in their response to restriction requirement dated September 16, 2003 to pursue group IX, claims 5-16, drawn to gene therapy methods of enhancing wound

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healing in an external wound using a wound coverage material impregnated with a liposome having a gene encoding IGF-1. New claim 25 further clarifies wound healing as attenuation of the hypermetabolic response associated with a thermal injury. Applicants note that the restriction requirement dated August 26, 2003 had been imposed prior to current representation. Applicants' current representative requests that the Examiner reconsider the restriction requirement in light of the new claims filed concurrently with the RCE request. Applicants also believe that any further claim amendments would not be appropriate in the present response. If restriction practice requires such a dissection of the claim text in light of the teachings of the specification then applicants will respond appropriately to the subsequent office action.

CONCLUSION

For the foregoing reasons, the Examiner is respectfully requested to enter and consider the corrected listing of claims in light of the arguments presented with the request for continued examination. The Examiner should feel free to contact the undersigned representative if any questions, comments, or suggestions arise.

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Applicants believe no additional fee is due with this response. However, should any fees under 37C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. account No.: 50-1212/CLFR:184USD1/CPL.

Dated: March 6, 2006

Respectfully submitted,

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